

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Kaeli Garner, *et al.*,

Plaintiffs,

v.

Amazon.com, Inc., a Delaware
Corporation, and Amazon.com Services
LLC, a Delaware Limited Liability Company,

Defendants.

Case No. 2:21-cv-00750-RSL

DECLARATION OF Leila Rouhi

1 I, Leila Rouhi, declare as follows:

2 1. I am Vice President, Trust and Privacy, at Defendant Amazon.com, Inc. I have
3 worked for Amazon in this role since April 2022. I am authorized to make this declaration on
4 Amazon's behalf. I make this declaration based on personal knowledge, information, and records
5 that Amazon keeps in the ordinary course of business. Based on my job responsibilities and my
6 review of Amazon's business records, I am familiar with the information that I discuss in this
7 declaration and, if called upon to do so, I could and would testify competently as to the matters
8 stated here.

9 **I. ALEXA PRIVACY AND SECURITY**

10 2. From the beginning, Amazon designed and built the Alexa service and the Echo
11 family of devices with multiple layers of privacy protections and controls.

12 3. Amazon provides numerous educational resources to explain how Alexa works and
13 how to use its privacy features. Many such resources, including explanations of Alexa features,
14 can be found on Amazon's website at www.amazon.com/alexaprivacy.

15 **A. Alexa's Privacy Features And Design**

16 4. There are numerous features on the Echo device itself that provide users with
17 transparency and protect their privacy.

18 5. First, when an Alexa-enabled Echo device detects the wake word, the light ring on
19 the Echo will turn blue, or on an Echo Show, a blue bar will appear. A video demonstrating the
20 operation of the light ring indicator is attached as **Exhibit D**. Customers can also set an optional
21 tone to chime when a device detects the wake word. If music or other audio is playing on an
22 Alexa-enabled speaker when Alexa detects the wake word, the audio also becomes quieter. All of
23 this alerts the user that Alexa has been activated and helps prevent the Alexa service from receiving
24 audio that is not intended for it.

25 6. The Alexa service also uses "end-pointing" to determine when a user's command
26 has ended. This allows Alexa to be responsive, while also helping to avoid streaming audio to the
27 cloud that is not intended for Alexa. As a practical matter, this means that typical commands and
28 queries transmitted to Alexa are short (usually a few seconds). The blue light ring or bar turns off

1 when the Alexa interaction is over. Customers can also turn on an optional feature to have a tone
2 chime when a recording ends, so that they can hear when their audio has stopped streaming.

3 7. If a user frequently uses a word that is similar to the “Alexa” wake word, they can
4 change the wake word to “Computer,” “Amazon,” “Ziggy,” or “Echo” to reduce the likelihood of
5 unintentionally activating Alexa. This change can be made in the Alexa app (Settings > Device
6 Settings > [Select device] > Wake Word) or by giving a voice command to do so.

7 8. Users can also turn device microphones off completely at any time by pressing the
8 microphone on/off button on the device. On Echo devices, when the button is pressed to turn the
9 microphones off, the device’s microphones are electrically disconnected and a dedicated red LED
10 on the microphone on/off button is illuminated to indicate that the microphones are off. As a
11 safeguard, Amazon specifically designed the circuitry of Echo devices so that power can only be
12 provided either to this dedicated red LED *or* to the device microphones, but not to both at the same
13 time. As a result, if the dedicated red LED is illuminated, the microphones are off, and the device
14 literally *cannot* detect the wake word or stream audio to the cloud. A video demonstrating the
15 operation of microphone on/off button is attached as **Exhibit E**.

16 9. Some Alexa-enabled devices, like the Fire TV stick, have push-to-talk only
17 functions, and only transmit audio to the cloud when a user pushes the action button.

18 10. The Alexa service also uses algorithms to differentiate between commands spoken
19 by users and background noise, such as sound from a TV or radio, to reduce the chance of
20 unintentional activations.

21 11. In sum, Alexa devices, and the Alexa service, are not designed or intended to record
22 or transmit private conversations or private communications between people. Instead, through all
23 of these features, Alexa devices are designed to transmit only commands and queries that were
24 intended for Alexa, and *not* to record or transmit any private conversations. Moreover, Amazon
25 continuously works to improve the Alexa service so that customers experience fewer false wakes
26 and Amazon receives less audio that is not intended for Alexa.

27 12. When audio is being streamed to the cloud, the Alexa service is designed so that
28 communication between an Alexa-enabled device and the Alexa cloud is encrypted and protected,

1 using TLS 1.2, an industry standard security protocol.

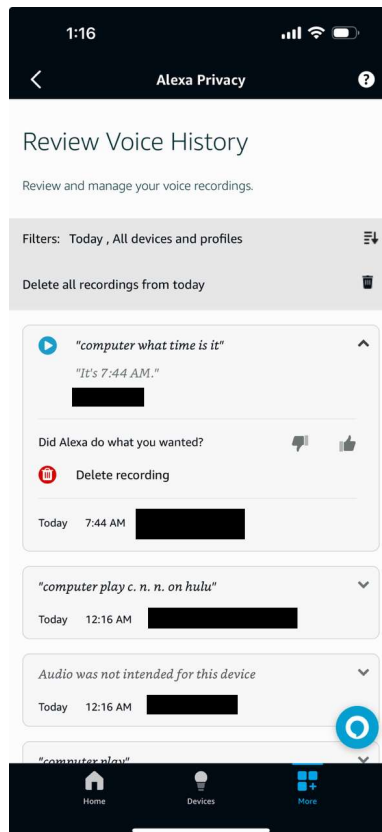
2 13. Once audio is received by the Alexa service in the cloud, it is processed, and both
3 a transcript of the user's command and the audio recording are securely stored in the cloud.

4 14. If a user does not understand why Alexa activated, they can say, "Alexa, why did
5 you do that?" and Alexa will provide an explanation of what happened. Users can say "Alexa,
6 delete everything I said today" or "Alexa, delete what I just said." Users can also review and
7 delete these interactions, like all Alexa interactions, in their voice history in the Alexa app or on
8 the website.

9 **B. Review And Deletion Of Recordings**

10 15. By default, Amazon saves voice recordings associated with a user's account to
11 provide customers with transparency about all the audio that is sent to Amazon whenever Alexa is
12 activated.

13 16. Customers can view transcripts and listen to specific voice recordings associated
14 with their accounts by going to "Review Voice History" in Alexa Privacy, under Settings in the
15 Alexa app or on the website, as shown in the example of the current user interface below:



1 In some instances, instead of the transcript of the voice recording, an entry might say “Audio was
2 not intended for Alexa.” But this does not necessarily mean that the associated voice recording is
3 a “false wake,” that the recording does not include the wake word, or that the customer did not
4 intend to activate Alexa. Instead, this label appears when the cloud-side verification models are
5 unable to detect the wake word. As noted, cloud-side verification is probabilistic and is not
6 perfectly accurate. Thus, a voice recording may be labeled as “Audio was not intended for Alexa”
7 even if a user actually said the wake word and intended to activate the Alexa service.

8 17. On the “Review Voice History” page, customers can delete specific voice
9 recordings by tapping on delete button. A video demonstrating how to review and delete
10 recordings manually from the Alexa app is attached as **Exhibit F**; and a video demonstrating how
11 to configure a device to automatically delete recordings from the Alexa app is attached as **Exhibit**
12 **G**. Since 2019, users have had the option to delete recordings by voice by using the voice
13 commands “Alexa, delete everything I said today” or “Alexa, delete what I just said.” A
14 compilation of videos demonstrating how to use the Alexa, delete everything I said today” or
15 “Alexa, delete what I just said” features is attached as **Exhibit H**. As of 2020, users have also
16 had the option to delete all voice recordings at once using the voice command “Alexa, delete
17 everything I’ve ever said.” Users can enable auto-deletion of all voice recordings that are older
18 than three months or 18 months. Users can also delete all voice recordings associated with their
19 account for each of their Alexa-enabled devices by selecting the applicable device at “Manage
20 Your Content and Devices” page on Amazon’s website, or within “Review Voice History” on the
21 Alexa app.

22 18. Users can also select not to retain voice recordings at all. [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 19. [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 **C. Limited Use Of Recordings To Improve The Alexa Service**

6 20. Amazon only uses voice recordings in accordance with its Privacy Notice. The
7 current version of the Privacy Notice can be found here:
8 <https://www.amazon.com/gp/help/customer/display.html?nodeId=GX7NJQ4ZB8MHFRNJ>.

9 Earlier versions are compiled and attached as exhibits to this declaration.

10 21. Amazon does not sell voice recordings to third parties. Instead, Amazon uses the
11 voice recordings to respond to users' Alexa commands and requests, and to improve Alexa and
12 make the service better for customers.

13 22. Amazon improves the Alexa service using supervised machine learning techniques.
14 Supervised machine learning is a common approach to machine learning, where a model is trained
15 on a labeled dataset to learn the mapping from inputs to outputs, enabling it to make predictions
16 on new, unseen data. The process is iterative and involves several key steps: data collection,
17 preprocessing, model selection, training, evaluation, and prediction. Human review is crucial
18 throughout this process, for maintaining the effectiveness, fairness, reliability, and compliance of
19 machine learning systems over time, and thus improving the Alexa service for the benefit of users.

20 23. Alexa is a computer system that enables users to make requests using their own
21 natural language, across an unlimited array of environments, accents, regional dialects, and
22 individual speech patterns. To make this process work, Amazon conducts limited human review
23 to ensure that the Alexa service responds accurately to user inputs, and to improve the Alexa
24 technology. [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 24. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 25. Customers can opt out of having their recordings manually reviewed, by simply
7 changing a setting in the Alexa app. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 II. VOICE PROFILES

12 26. In October 2017, Amazon launched “Voice Profiles,” a feature that lets a user
13 personalize the Alexa service by teaching the service the user’s first name and voice, or a user’s
14 “Voice ID.” Members of an Alexa household can choose whether to set up a Voice Profile or not;
15 the service will operate without it. When the feature is enabled, Voice Profiles allows the Alexa
16 service to distinguish between speakers in a household and provide, in some circumstances,
17 individualized experiences for Alexa users. For example, in response to a command to play music,
18 the Alexa service may play the style of music that the user typically selects. When a user creates
19 a Voice Profile, that profile may be also associated with additional services. For example, a Voice
20 Profile may be associated with a user’s Spotify account so that they can access their preferred
21 music.

22 27. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 28. [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 [REDACTED]

1 29. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 30. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 31. Voice Profiles allow a user to teach the Alexa service to recognize their voice. This
12 process requires additional consent. To activate this feature, a user can ask the Alexa service to
13 “learn my voice,” and then proceed through the enrollment process, which requires the user to
14 repeat four training phrases spoken or displayed by the Alexa device. Before April 2019, this
15 process required a user to speak 10 training phrases to the Alexa device. Alternatively, users can
16 also activate the Voice Profiles feature on the Alexa app. A true and correct copy of an internal
17 primer and schematic depicting the speaker identification system from 2019 is attached as **Exhibit**
18 **I** (produced as AMZ_GARNER_02947160). Exhibit I reflects confidential and commercially
19 sensitive internal information about the design and development of Alexa product features.
20 Amazon would suffer competitive harm if this information were made available to the public
21 where competitors could obtain the information. Amazon does not publicly disclose this
22 information and takes measures to ensure its confidentiality.

23 32. For a limited time, starting in May 2018, Amazon also provided some minimal
24 personalization through a functionality called “Automatic Voice Recognition” (“AVR”). This
25 feature tried to distinguish between unnamed speakers within a household, mainly to differentiate
26 between music preferences of different household members. [REDACTED]

27 [REDACTED]

28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 33. [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 34. Even within a household, Amazon's speaker identification functionalities are based
14 on probabilistic models and are imperfect. Various factors contribute to a higher or lower quality
15 Voice Profile. For instance, if, when asking Alexa to "learn my voice," the user speaks in an
16 unnatural manner, deviations in voice characteristics might be picked up by the system, resulting
17 in degraded accuracy. A user might also inaccurately repeat the learning phrases, resulting in
18 degraded accuracy. Poor quality audio in the utterances used to create a profile will also contribute
19 to degraded accuracy.

20 35. [REDACTED]

21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 [REDACTED] is attached as **Exhibit**
2 **J** (produced as AMZ_GARNER_00385526).

3 36. [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 [REDACTED] is attached as **Exhibit**
9 **K** (produced as AMZ_GARNER_03150010). Exhibits J and K reflect confidential and
10 commercially sensitive internal metrics about Alexa functionality and product features. Amazon
11 would suffer competitive harm if this information were made available to the public where
12 competitors could obtain the information. Amazon does not publicly disclose this information and
13 takes measures to ensure its confidentiality.

14 37. Finally, both Voice Profiles and AVR require a recording to be created in order to
15 work. These speaker identification functionalities rely on some underlying utterance to identify a
16 speaker by comparison to other utterances from the household. The Speaker ID system cannot
17 operate without an utterance.

18 38. I understand that in this litigation, Plaintiffs have suggested that Amazon could
19 identify potential unregistered users of the Alexa service because “Amazon has a [REDACTED]
20 [REDACTED]

21 Dkt 255 at 18. That is not true. An IP address is an identifier assigned to an Internet-connected
22 Alexa-enabled device; the IP address does not change when different users speak. Amazon also
23 has no way to identify any user (even registrants) with certainty, and certainly cannot identify
24 people with no registered Voice Profile or device.

25 **III. AMAZON TERMS**

26 39. Alexa customers agree to various Amazon terms and conditions, including the
27 Amazon Conditions of Use (“COUs”), the Amazon Privacy Notice (“Privacy Notice”), the Alexa
28 Terms of Use (“Alexa Terms”), and Alexa Device Terms, in various ways.

A. Amazon Conditions of Use

40. A true and correct copy of the COUs, effective 12/5/2012, and produced as AMZ_GARNER_00035884, is attached as **Exhibit L1**.

41. A true and correct copy of the COUs, effective 06/22/2015, and produced as AMZ_GARNER_00036154, is attached as **Exhibit L2**.

42. A true and correct copy of the COUs, effective 02/12/2016, and produced as AMZ_GARNER_00036261, is attached as **Exhibit L3**.

43. A true and correct copy of the COUs, effective 05/16/2016, and produced as AMZ_GARNER_00036297, is attached as **Exhibit L4**.

44. A true and correct copy of the COUs, effective 06/21/2016, and produced as AMZ_GARNER_00036309, is attached as **Exhibit L5**.

45. A true and correct copy of the COUs, effective 05/30/2017, and produced as AMZ_GARNER_00036537, is attached as **Exhibit L6**.

46. A true and correct copy of the COUs, effective 10/03/2017, and produced as AMZ_GARNER_00036573, is attached as **Exhibit L7**.

47. A true and correct copy of the COUs, effective 05/21/2018, and produced as AMZ_GARNER_00036605, is attached as **Exhibit L8**.

48. A true and correct copy of the COUs, effective 05/03/2021, and produced as AMZ_GARNER_00038510, is attached as **Exhibit L9**.

B. Alexa Terms

49. A true and correct copy of the Alexa Terms, effective 06/25/2015, and produced as AMZ_GARNER_00000099 is June 25, 2015, is attached as **Exhibit M1**.

50. A true and correct copy of the Alexa Terms, effective 08/19/2015, and produced as AMZ_GARNER_00000190, is attached as **Exhibit M2**.

51. A true and correct copy of the Alexa Terms, effective 02/02/2016, and produced as AMZ_GARNER_00041080, is attached as **Exhibit M3**.

52. A true and correct copy of the Alexa Terms, effective 10/24/2017, and produced as AMZ_GARNER_00041096, is attached as **Exhibit M4**.

53. A true and correct copy of the Alexa Terms, effective 12/06/2017, and produced as AMZ_GARNER_00041132, is attached as **Exhibit M5**.

54. A true and correct copy of the Alexa Terms, effective 03/28/2018, and produced as AMZ_GARNER_00041216, is attached as **Exhibit M6**.

55. A true and correct copy of the Alexa Terms, effective 05/17/2018, and produced as AMZ_GARNER_00041260, is attached as **Exhibit M7**.

56. A true and correct copy of the Alexa Terms, effective 11/27/2018, and produced as AMZ_GARNER_00041288, is attached as **Exhibit M8**.

57. A true and correct copy of the Alexa Terms, effective 06/14/2019, and produced as AMZ_GARNER_00041320, is attached as **Exhibit M9**.

58. A true and correct copy of the Alexa Terms, effective 01/01/2020, and produced as AMZ_GARNER_00041348, is attached as **Exhibit M10**.

59. A true and correct copy of the Alexa Terms, effective 04/28/2020, and produced as AMZ_GARNER_00041376, is attached as **Exhibit M11**.

60. A true and correct copy of the Alexa Terms, effective 06/30/2020, and produced as AMZ_GARNER_00041390, is attached as **Exhibit M12**.

61. A true and correct copy of the Alexa Terms, effective 12/02/2020, and produced as AMZ_GARNER_00041461, is attached as **Exhibit M13**.

62. A true and correct copy of the Alexa Terms, effective 03/25/2021, and produced as AMZ_GARNER_00041481, is attached as **Exhibit M14**.

63. A true and correct copy of the Alexa Terms, effective 04/30/2021, and produced as AMZ_GARNER_00041486, is attached as **Exhibit M15**.

C. Amazon Privacy Notice

64. A true and correct copy of the Privacy Notice, effective 03/03/2014, and produced as AMZ_GARNER_00036816, is attached as **Exhibit N1**.

65. A true and correct copy of the Privacy Notice, effective 09/30/2016, and produced as AMZ_GARNER_00037086, is attached as **Exhibit N2**.

66. A true and correct copy of the Privacy Notice, effective 07/06/2017, and produced

1 as AMZ_GARNER_00037458, is attached as **Exhibit N3**.

2 67. A true and correct copy of the Privacy Notice, effective 08/29/2017, and produced
3 as AMZ_GARNER_00037528, is attached as **Exhibit N4**.

4 68. A true and correct copy of the Privacy Notice, effective 01/01/2020, and produced
5 as AMZ_GARNER_00040093, is attached as **Exhibit N5**.

6 69. A true and correct copy of the Privacy Notice, effective 02/12/2021, and produced
7 as AMZ_GARNER_00040883, is attached as **Exhibit N6**.

8 **D. Alexa FAQs, Privacy Hub, And Other Disclosures About Alexa Recordings**

9 70. Since Alexa's launch in November 2014, Amazon has maintained and updated
10 Alexa FAQs (frequently asked questions), a public, online resource that provides information
11 about Alexa. The Alexa FAQs have always disclosed Alexa's creation and retention of voice
12 recordings, the purpose underlying the recordings (to improve the service), and the fact that users
13 can review and delete their recordings at will. Examples of relevant FAQs are:

14 "Is Alexa recording all my conversations?"

15 "What happens when I speak to Alexa?"

16 "Can I review and delete my voice recordings?"

17 "How are my voice recordings used?"

18 71. During initial registration for the Alexa service, users are shown a short "Welcome
19 Screen," at the top of which Amazon discloses that the Alexa service "processes and retains audio,
20 interactions, and other data in the cloud to provide and improve our services." This screen is
21 unavoidable during registration: the user must click or tap on a link or button at the bottom of the
22 page to continue. The screen also contains a link to more information about the voice history
23 feature and to various terms to which a user must agree. The First Amended Consolidated
24 Complaint in this case (Dkt. 59 at ¶ 100) contains a screenshot of the Alexa Welcome Screen.

25 72. The Alexa Terms disclose that Amazon "processes and retains your Alexa
26 Interactions such as your voice inputs ... in the cloud," and explain "how to delete voice recordings
27 associated with your account," with links to relevant information. Links to the TOU appear twice
28 during initial registration of an Echo device, and they are always available to the public.

73. In addition to the FAQs, Amazon maintains the Alexa Privacy Hub, a website available to anyone. This resource discloses and describes the Alexa voice recording feature, user control over that feature, how Alexa devices work as it relates to privacy and recording, and available privacy options and protections. It also contains several videos demonstrating voice recording, deletion, review, and related features. A true and correct copy of historical screenshots of the Alexa Privacy Hub from May 2019 through April 2022 (produced as AMZ_GARNER_00047903) is attached as **Exhibit O**.

74. Amazon also regularly posts YouTube videos about Alexa, with hundreds of videos on its @AmazonAlexa channel, including many about privacy. A true and correct copy of one such video, called “Alexa Privacy: How Does Alexa Work” (produced as AMZ_GARNER_00048025) is attached as **Exhibit P**. A true and correct copy of another video, which provides an overview of different Alexa privacy features, including the wake word, microphone/camera controls, indicator, and control over voice recordings (produced as AMZ_GARNER_00048003) is attached as **Exhibit Q**. Amazon has also created several how-to videos that showcase different Alexa privacy features, including:

a. “Alexa Privacy How-To: Manage Your Alexa Voice Recordings,” (produced as AMZ_GARNER_00047998) a true and correct copy of which is attached as **Exhibit R**.

b. “Alexa Privacy How-To: Wake Word,” (produced as AMZ_GARNER_00047999) a true and correct copy of which is attached as **Exhibit S**.

75. A true and correct copy of the Alexa FAQs that appeared on 11/09/2014, and produced as AMZ_GARNER_00034280, is attached as **Exhibit T1**.

76. A true and correct copy of the Alexa FAQs that appeared on 12/10/2014, and produced as AMZ_GARNER_00034308, is attached as **Exhibit T2**.

77. A true and correct copy of the Alexa FAQs that appeared on 01/21/2015, and produced as AMZ_GARNER_00034342, is attached as **Exhibit T3**.

78. A true and correct copy of the Alexa FAQs that appeared on 05/11/2015, and

1 produced as AMZ_GARNER_00034355, is attached as **Exhibit T4**.

2 79. A true and correct copy of the Alexa FAQs that appeared on 10/01/2015, and
3 produced as AMZ_GARNER_00034361, is attached as **Exhibit T5**.

4 80. A true and correct copy of the Alexa FAQs that appeared on 04/09/2016, and
5 produced as AMZ_GARNER_00034366, is attached as **Exhibit T6**.

6 81. A true and correct copy of the Alexa FAQs that appeared on 08/02/2016, and
7 produced as AMZ_GARNER_00034377, is attached as **Exhibit T7**.

8 82. A true and correct copy of the Alexa FAQs that appeared on 09/17/2016, and
9 produced as AMZ_GARNER_00034391, is attached as **Exhibit T8**.

10 83. A true and correct copy of the Alexa FAQs that appeared on 12/13/2016, and
11 produced as AMZ_GARNER_00034411, is attached as **Exhibit T9**.

12 84. A true and correct copy of the Alexa FAQs that appeared on 04/19/2017, and
13 produced as AMZ_GARNER_00032603, is attached as **Exhibit T10**.

14 85. A true and correct copy of the Alexa FAQs that appeared on 07/25/2017, and
15 produced as AMZ_GARNER_00032701, is attached as **Exhibit T11**.

16 86. A true and correct copy of the Alexa FAQs that appeared on 11/15/2017, and
17 produced as AMZ_GARNER_00032788, is attached as **Exhibit T12**.

18 87. A true and correct copy of the Alexa FAQs that appeared on 01/03/2018, and
19 produced as AMZ_GARNER_00032873, is attached as **Exhibit T13**.

20 88. A true and correct copy of the Alexa FAQs that appeared on 11/29/2018, and
21 produced as AMZ_GARNER_00033280, is attached as **Exhibit T14**.

22 89. A true and correct copy of the Alexa FAQs that appeared on 11/27/2018, and
23 produced as AMZ_GARNER_00033266, is attached as **Exhibit T15**.

24 90. A true and correct copy of the Alexa FAQs that appeared on 01/18/2019, and
25 produced as AMZ_GARNER_00034415, is attached as **Exhibit T16**.

26 91. A true and correct copy of the Alexa FAQs that appeared on 04/05/2019, and
27 produced as AMZ_GARNER_00034478, is attached as **Exhibit T17**.

28 92. A true and correct copy of the Alexa FAQs that appeared on 08/05/2019, and

1 produced as AMZ_GARNER_00034947, is attached as **Exhibit T18**.

2 93. A true and correct copy of the Alexa FAQs that appeared on 11/01/2019, and
3 produced as AMZ_GARNER_00000082, is attached as **Exhibit T19**.

4 94. A true and correct copy of the Alexa FAQs that appeared on 01/08/2020, and
5 produced as AMZ_GARNER_00035261, is attached as **Exhibit T20**.

6 95. A true and correct copy of the Alexa FAQs that appeared on 04/06/2020, and
7 produced as AMZ_GARNER_00035535, is attached as **Exhibit T21**.

8 96. A true and correct copy of the Alexa FAQs that appeared on 08/19/2020, and
9 produced as AMZ_GARNER_00035663, is attached as **Exhibit T22**.

10 97. A true and correct copy of the Alexa FAQs that appeared on 01/22/2021, and
11 produced as AMZ_GARNER_00033353, is attached as **Exhibit T23**.

12 98. A true and correct copy of the Alexa FAQs that appeared on 06/09/2021, and
13 produced as AMZ_GARNER_00034223, is attached as **Exhibit T24**.

14 99. A true and correct copy of the Alexa FAQs that appeared on 10/06/2021, and
15 produced as AMZ_GARNER_00042192, is attached as **Exhibit T25**.

16 100. A true and correct copy of the Alexa FAQs that appeared on 03/01/2022, and
17 produced as AMZ_GARNER_00042693, is attached as **Exhibit T26**.

18 **E. Alexa and Alexa Device Terms**

19 101. A true and correct copy of the Alexa and Alexa Device Terms that appeared on
20 09/17/2016, and produced as AMZ_GARNER_00041496, is attached as **Exhibit U1**.

21 102. A true and correct copy of the Alexa and Alexa Device Terms that appeared on
22 01/12/2017, and produced as AMZ_GARNER_00041508, is attached as **Exhibit U2**.

23 103. A true and correct copy of the Alexa and Alexa Device Terms that appeared on
24 05/30/2017, and produced as AMZ_GARNER_00041535, is attached as **Exhibit U3**.

25 104. A true and correct copy of the Alexa and Alexa Device Terms that appeared on
26 11/30/2017, and produced as AMZ_GARNER_00041570, is attached as **Exhibit U4**.

27 105. A true and correct copy of the Alexa and Alexa Device Terms that appeared on
28 03/02/2018, and produced as AMZ_GARNER_00041605, is attached as **Exhibit U5**.

106. A true and correct copy of the Alexa and Alexa Device Terms that appeared on 09/06/2018, and produced as AMZ_GARNER_00041651, is attached as **Exhibit U6**.

107. A true and correct copy of the Alexa and Alexa Device Terms that appeared on 12/27/2018, and produced as AMZ_GARNER_00041677, is attached as **Exhibit U7**.

108. A true and correct copy of the Alexa and Alexa Device Terms that appeared on 05/12/2019, and produced as AMZ_GARNER_00041683, is attached as **Exhibit U8**.

109. A true and correct copy of the Alexa and Alexa Device Terms that appeared on 11/01/2019, and produced as AMZ_GARNER_00041710, is attached as **Exhibit U9**.

110. A true and correct copy of the Alexa and Alexa Device Terms that appeared on 04/01/2020, and produced as AMZ_GARNER_00041743, is attached as **Exhibit U10**.

111. A true and correct copy of the Alexa and Alexa Device Terms that appeared on 09/25/2020, and produced as AMZ_GARNER_00041757, is attached as **Exhibit U11**.

112. A true and correct copy of the Alexa and Alexa Device Terms that appeared on 02/01/2021, and produced as AMZ_GARNER_00041765, is attached as **Exhibit U12**.

113. A true and correct copy of the Alexa and Alexa Device Terms that appeared on 09/04/2021, and produced as AMZ_GARNER_00042675, is attached as **Exhibit U13**.

IV. AMAZON'S REVENUES FROM ALEXA

114. Amazon has invested in the Alexa service since its launch in 2014. To date, the Alexa service has not been profitable. In the ordinary course of its business, Amazon maintains accounting data, including revenues and losses, attributable to the Alexa service and Amazon's Alexa devices. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 [REDACTED]

2 [REDACTED]

3 115. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 116. Exhibits V through Z all reflect confidential and commercially sensitive financial
9 information about Amazon, Alexa-enabled devices, and the Alexa service, including revenues and
10 operating expenses. Amazon considers this information highly confidential, and it would suffer
11 competitive harm if its financial information about the Alexa were made available to the public,
12 where competitors could obtain the information. Amazon does not publicly disclose this
13 information and takes measures to ensure its confidentiality.

14 V. [REDACTED]

15 117. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 118. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 119. [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 120. [REDACTED]

28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 121. [REDACTED]

7 [REDACTED]
8 [REDACTED]

9 122. [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 123. [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 **VI. PLAINTIFFS' USE OF ALEXA**

19 **A. Plaintiffs' Account Information**

20 124. In the ordinary course of its business, Amazon maintains device registration and
21 other account information related to customers' use of Alexa. [REDACTED]

22 [REDACTED]

23 [REDACTED] Amazon produced such
24 information for each of the accounts that the named Plaintiffs claim to have used, based on the
25 account identifying information that Plaintiffs provided.

- 26 a. A true and correct spreadsheet showing device registrations for the household
27 of Plaintiffs Jeffrey Hoyt and Lorie Tesoriero, which was produced as
28 AMZ_GARNER_ACCT_00011743, is attached as **Exhibit AA.** [REDACTED]

- 1 [REDACTED]
- 2 [REDACTED]
- 3 b. A true and correct spreadsheet showing device registrations for Plaintiff Kaeli
- 4 Garner's personal Amazon account, which was produced as
- 5 AMZ_GARNER_ACCT_00019346, is attached as **Exhibit BB**. And a true and
- 6 correct excerpt of account information [REDACTED]
- 7 [REDACTED] which was produced as
- 8 AMZ_GARNER_ACCT_00019476, is attached as **Exhibit CC**. I understand
- 9 that Ms. Garner claims she is not a registered Alexa user. [REDACTED]
- 10 [REDACTED]
- 11 [REDACTED]
- 12 [REDACTED]
- 13 c. A true and correct spreadsheet showing device registrations for the household
- 14 of Plaintiffs Ronald and Selena Johnson, which was produced as
- 15 AMZ_GARNER_ACCT_00021310, is attached as **Exhibit DD**.
- 16 d. True and correct spreadsheets showing device registrations for the household
- 17 of Plaintiffs Michael and Diane McNealy, which were produced as
- 18 AMZ_GARNER_ACCT_00000146 and AMZ_GARNER_ACCT_00019724,
- 19 are attached as **Exhibit EE**.
- 20 e. A true and correct spreadsheet showing device registrations for the household
- 21 of Plaintiff Ricky Babani, which was produced as
- 22 AMZ_GARNER_ACCT_00010700, is attached as **Exhibit FF**.
- 23 f. A true and correct spreadsheet showing device registrations of Plaintiff Jodi
- 24 Brust, which was produced as AMZ_GARNER_ACCT_00013156, is attached
- 25 as **Exhibit GG**.
- 26 g. A true and correct spreadsheet showing device registrations for the household
- 27 of Plaintiff Caron Watkins, which was produced as
- 28 AMZ_GARNER_ACCT_00000741, is attached as **Exhibit HH**.

1 B. [REDACTED]

2 125. [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED] Amazon also allows customers to
7 opt out of human review altogether, [REDACTED]

8 [REDACTED]
9 126. It has been widely disclosed and discussed, both in Amazon disclosures and through
10 extensive media coverage, that Amazon uses a small fraction of stored, recorded interactions with
11 Alexa to train and improve Alexa's natural language understanding systems through machine
12 learning.

13 127. [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 128. Exhibits AA through II all reflect confidential customer account information for the
21 named Plaintiffs in this action. Amazon considers customer account information and records to
22 be confidential and takes measures to maintain the security and confidentiality of those records.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct.

25 Executed on 9/13/2024.

26
27 Leila Rouhi

28 Leila Rouhi